IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3130 OF 2004

Yash Enterprises Plaintiff

versus

Thakoor Switchgears and others Defendants

Mrs.H.H.Chande for plaintiff

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th June 2005

PC :

1. Heard Ms.Chande for plaintiff. She tenders the affidavit proving service of writ of summons. Said affidavit is taken on record and marked "X" for identification. She tenders original documents along with list. Same are taken on record and marked "X-1" for identification.

2. Summary suit is filed to claim amounts due under a written contract as evidenced by invoices and delivery challans copies of which are duly annexed to the plaint. The suit is also based on an admission of liability inasmuch as in respect

of each of these invoices, the defendant vide a letter dated 6th August 2003 (Exhibit-C) states that claim is admitted and there is a delay in clearing the bills. A time schedule is prescribed for payment of each of these bills by the defendants after the admission of the liability. The time schedule has not been adhered to. That is how present suit is filed.

3. There is no appearance on record after the writ of summons is served. There is no defence to the plaintiffs claim. The claim in the suit is not barred by limitation as explained in para no.15. Consequently, there will be a decree as prayed. The stipulation with regard to interest is also admitted. However, further interest is left to the discretion of the Court. The further interest shall be @ 12% p.a.. Refund of court fee and computation of advocates' costs as per rules. Drawing up of decree expedited.

(S.C.DHARMADHIKARI, J.)